

## REMARKS

This application has been reviewed in light of the Office Action dated December 19, 2007. Claims 29 and 33-37 are presented for examination, of which Claims 29 and 33 are independent form. Claims 29 and 33-35 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 29, 33, 35 and 37 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,978,557 (Kato) in view of U.S. Patent 6,901,057 (Idehara), and Claims 34 and 36 were rejected under Section 103(a) as being obvious from those patents in view of U.S. Patent 5,513,839 (Green).

Claim 29 has been amended to recite an obtaining unit that obtains ejection function information about an ejection function provided in the color printer and in the monochromatic printer. In addition, the ejection command added by the adding unit such that an ejection position is changed when a succeeding page is not serial to the previously outputted page, is based on the obtained ejection function information. Independent method Claim 33 has been amended correspondingly.

The *Kato* apparatus discriminates whether each page in a print job is a color page or a monochromatic page, and outputs any page containing color data to the color printer and other pages to the monochromatic printer. *Idehara* determines, for each of the color page group and the monochromatic page group, whether the succeeding pages of the group are continuous or not, and switches ejection bins based on the result of the determination.

*Idehara*, however, makes that determination within the image forming apparatus, i.e., a printer, and does not teach that the image forming apparatus outputs an ejection command to *another* image forming apparatus. In the *Idehara* system, as a result, the image forming apparatus works sufficiently, if the apparatus has ejection information about an ejection function of the apparatus itself. That is, the image forming apparatus does not need, and does not obtain, such ejection information from another image forming apparatus. On the other hand, the apparatus to which Claim 29 is directed does have the mentioned obtaining unit that obtains ejection function information about an ejection function provided in the color printer and in the monochromatic printer, and adds the ejection command to the print data, based on the obtained ejection function information.

Neither *Kato* nor *Idehara* teaches or suggests an image forming apparatus (a) that outputs an ejection command to another apparatus, or (b) that obtains information about an ejection function provided in another apparatus, or (c) that adds an ejection command to print data to be sent to other apparatuses based on an ejection function provided in each of the other apparatuses.

Thus, even if *Kato* and *Idehara* are combined (assuming without conceding that such combination would be a reasonable one in the eyes of a person of ordinary skill), the result of such combination would still not have any means to obtain ejection information from another apparatus, or to add an ejection command to print data based on obtained ejection information, as recited in Claim 29.

Moreover, since *Idehara* thus is directed to an arrangement in which the determination must be made at the printer, it appears to Applicant that having such determination made in the image processing apparatus rather than in the printer would be

to do exactly the *opposite* of what *Idehara* teaches, contrary to the analysis set out in the Office Action. It is submitted that accordingly, a combination of these two patents would not convey to a person of ordinary skill any suggestion to have such a determination made elsewhere than in the printer, contrary to what is claimed in Claim 29.

For all these reasons, it is believed to be clear that Claim 29 is allowable over *Kato* and *Idehara*, taken separately or in any permissible combination (if any), and that corresponding method Claim 33 is also allowable over those patents.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Leonard P Diana/  
Leonard P. Diana  
Attorney for Applicant  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 2044883v1